JURISDICTION OF THE GOVERNING AUTHORITY

SEYED HOSSEIN MOUSAVI\textsuperscript{a1}, FARAJ BEHZAD\textsuperscript{b} AND SEYED HASAN AMELI\textsuperscript{c}

\textsuperscript{abc}Department of Jurisprudence and Principles of Islamic Law, Ardabil Branch, Islamic Azad University, Ardabil, Iran

ABSTRACT

Human is social creature that has been established an institutional official to meet his needs is called authority and governor is located at the head of ruling. Islam also has confirmed it by formation of government and practical implementation of the provisions of the government by best person, Mohammad prophet. After him, community has agreed in government principle, but has disagreement in person who should be at the head of government. Imam Ali in response to people those negates government, this statement indicates that the government is not specific for prophet time and we need executive organization to implement Islamic rules. At absence time, this matter is assigned to a person that has qualified for Imam's substitution. From Shiie jurists at absence age, qualified jurist is Islamic governor and what is confirmed for prophet and his substitution, is confirmed for jurist, too unless matters which are excluded from jurist's authority by text. And this is public authority or absolute jurist that majority of Shiie jurist have agreement either pioneers or contemporaries.

KEYWORDS: Authority, State, Provincial, Clerical, During The Absence

Background discussion on the problem of "supreme leader" of the Shiite era begins formally ordered state income distribution, and the provisions relating to each subject was recorded in its place. More than eleven centuries Imami jurisprudence independently coherent states.

The issue of "supreme leader is the root word, but it caused the juridical a space, the jurists of the day, in different chapters of jurisprudence are discussed, and the subject of the Supreme Leader to clarify any issues. About jihad and division trophies and obtaining and distributing and supervision , as well as the palace and absentee property and enjoining good and forbid the evil , and Bob of Bob and absolute condemnation and sanctions enforcement of Islamic law , the jurists of the problem "provinces leader "and have discussed a range of options. Throughout history, Shia jurists, this question as inseparable from religious scholars have discussed and considered. It should be noted that the proof of Guardianship for a leader is not to say that all have accepted the Shiite religious scholars. And the problem of the as supreme leader "delegates" from infallibles rose. During this eleven century, all jurists said one speech and the responsibility and supervision of the affairs of the ruling jurist means are legitimate; in relation to public affairs and public interest includes the nation, all the provisions of Islamic law. Yet this sense of pride is public or divorced and the concept of "supreme leader" of any shift that some believe have occurred at any time of the day so far has been a concept. What a great Shi'ite scholars pioneers or proof of Guardianship of the jurist recent scholars issue that has been so clear as it is to believe that rooted jurist not, and never words infallibles not yet familiar. Hence, multi- religious state and territory subject to the clarification of the ruling powers, and clarify the concept of "supreme leader" written hope is acceptable almighty.

DEFINITIONS AND CONCEPTS

Government formation is necessary for any society and its necessity has been proved by traditional rational arguments, since no society can be good because no government can achieve happiness and perfection. And if the government is not present in the chaos and chaos is created and formed the government in preventing the problem of social order is very important.

Before any discussion, it is necessary to study the definitions and theoretical concepts. And then came the main discussion that will examine the scope and jurisdiction of the governing authority and some of the positions of the ruling jurist counts.

“Authority” in word means power, authority, authority (competent) and organization (government). And in term, it has three concepts as follows:

1-The force of tradition, law , reason , or personal appeal arises from any cause of legitimacy, power, authority or legitimate power may be of odd ( like authority between parents and children ) or to the office and the Court be delegated (e.g. the authority of the Roman Senate ) or the hierarchy of religious organizations accrues . Directorate characterized or identified undisputed by those who are

\textsuperscript{1}Corresponding author
expected to submit it. Preserving the authority requires respect for the person or office. Atvariteh greatest enemy or authority is a contempt and ridicule.

2-Source position (qualifying), organization, or governmental or government agency that normally are not allowed to do certain work.

3-Have the power to perform a specific job

GOVERNMENT

"Government" matter "percept" sentence literally: prohibit and prevent reform and is rock solid. And the rule is meant to prevent people from oppression. So it is defined in terms of technology and policy. Civil Procedure defines statecraft is not meant to rule and tyranny, freedom and independence of thought and action that any individual is denied.

The said rule definition

"Government is the institution of the sovereign, duties and powers of each of them and the relationships that exist between the organs of government"

The culture of political science says

"The government's political and administrative organization of the country, and the manner and method of administration of the country or political unit, organization, government, in addition to executive agencies, usually of three parts: the executive, legislature and judiciary are formed. Set of political institutions, laws and customs that rule is applied through them.

It also defines several of the state's political science books, but the government simply can be defined such that:" If people in a peaceful way, direction, or else accept that good government pursues its objectives by resorting to force, this means that if the people of the regulation is necessary to achieve the desired goal rule violation contribute to the security device to accept provisions that are included in this definition are legitimate and illegitimate government"

LEADERSHIP

Guardianship and examples of these words are among full usage of Quran words that was used as different forms; it is said 124 times as name and 112 times as verbs. The main meaning of this word as Ragheb Esfahani has said is besides being something else is not working so far, i.e. if the two things are connected together so that nothing else is in the midst of them, the "but" is used. For example, if several people are sitting beside each other and we want to express their status and seating arrangements, ... On this occasion, of course, the word is used in close proximity, both spatial closeness and spiritual closeness.

Open this occasion about friendship, helping, taking the proficiency and smoking has other meanings such as stewardship in all kind of connection there. This material and its derivatives, meaning many have mentioned. RaghibIsfahani about the word "Guardianship," the application says...:

“Guardianship” means victory, and the "Guardianship" means the office and told that the claimant is a means of both is one and the same, "Enterprise and the owner is optional."

Persian dictionary doctor prescribed, for the word "but" several meanings, such as a friend, partner, owner, guardian, trustee it from someone at work, and the " Guardianship " means the rule is expressed.

So, “Guardianship” the head of government and is the root word lies. Of course, this does not mean that all the people's mandate to be given so that people dont have to wait. The Guardianship is one of the property of minors, minors cannot be considered at all, but about the people of the Guardianship, but it is not the case that people are not seen.

Leader of the Guardianship means says

"Means" Guardianship "and use the term Islamic government in which the sovereign power is there, but not selfish, dogmatic and resolve it, but the vote is tyranny."

Imam Khomeini, the Guardianship's definition says:

“Guardianship” means the government and the administration and enforcement holy law, a heavy task and is not that unusual for someone to bring dignity and take him higher than a normal human. In other words, the government and the implementation and administration of the Guardianship in question, contrary to a lot of people, not points, but the task are daunting”.

“Guardianship” in Islamic law [Shiite], means of supervision, governance and the rule is the rule. Provincial authorities are looking at immaculate Imams (AS), a proxy can be captured in the nation according to the laws of God and the wisdom. "However," absolute, God, and secondly, the Prophet and the Imams who are
appointed by God choose, but they can believers and authority according to the precepts of God, and the wisdom to seize the nation's helm and led the them to take.

**Theocratic Guardianship**

"Jurisprudence" in the Arabic language means understanding, and "leader" means the owner understanding. But given the basic points in the Arabic dictionaries, the weight of the "Faeil" and "subject" are subject weight addition to proof of adjectives such as "knowledge" for its nature-advised, but Fyl weight attribute to the nature of the proof, durable continuity and expertise to interpret it as a clue, so "supreme" means an expert in the law, as a physician specializing in medicine, specializing in Wisdom Wise.

And the term "leader" who is said to derive all or most of the current labor force and legal provisions and general laws of Islam from its original sources, "The Book, Sunnah, consensus and reason" is.

According to what the meaning of "Guardianship " and "leader" it was said, "supreme leader" never means "mandate" or rule of the supreme leader's absolute will, "not, as the province of the Holy Prophet (PBUH) and the Holy Imams (AS) such is not the meaning.

His prophecy came as the provincial official messenger, and so, his Guardianship prophecy and law, the same Sharia law limited; he rose from the position of Guardianship, and jurisprudential, it restricts. He does not rule out the fact Guardianship person or his personal will, therefore, the correct meaning of theocratic Guardianship, the Guardianship of his jurisprudence.

When the word "Guardianship," the jurist is used, meaning the governance of public affairs, and community service to Islam and Muslims is a fact.

«Theocratic Guardianship» is another definition of the concept of governance and the implementation of Islamic law, or to realize the divine rule of law in the absence of the Vice -Imam ( AS). In other words, the supreme leader , as the book " supreme leader " Imam Khomeini (RA ) states , the provinces subject to the whims of those who say it does not rely on divine sovereignty.

In the absence of the righteous and pious lawyers anyone who is more knowledgeable and pious, brave and management have sufficient and acceptable to the community at large, and be the best person to lead the province and are the Supervision, and can form an Islamic government and the province of the Prophet in the administration of society, he also has and for all people it is necessary that the orders of the supreme leader, the wisest and closest person to God, the Prophet and the Imams, to obey.

**Theoretical basis of the duties and powers of the supreme leader**

In the era of occultation of Imam Mahdi qualified jurist, such as the "AFTA" and "justice" and "province" duties and powers will be different than Islam because Islam is a part of an executive department, and priest Absolute Adel, Islam is responsible for the scientific part and a practical part that is responsible.

Jurist tasks in the field of scientific issues in Jerusalem, Islam constantly strive to seek help from reputable sources such as the "Book" and "infallible tradition" and "reason" and "consensus" and not allowing them to compare and materials and the like them and also with a firm reliance on the principles accepted in Islam and its avoidance of hybridization with the divine principles of law schools.

From this it is clear that Islam is tantamount to heresy from mixing with East or West to study and proof of arrogance toward God glorified himself and his imitators are announced.

And duty of juristic about Islamic executive part is since Islamic laws are adjusted for people’s welfare in this world and hereafter and it is not just about spiritual worship like angels’ worship; direct contact with nature and the realm of matter and motion, and what is expected, Canoeing fail, and that it is required to fix about all ordinances shall be fully recognized as offering the best quality fix the most important in the case, shall apply.

In order to exercise sovereignty over the Muslim rulers are many functions, such as defense, foreign invasion, domination unbelievers ban on Islamic countries to establish good relations with other countries, citizens' civil rights, war and peace orders, resolve disputes, set the macro-political and economic relations, signing a contract and a contract with the government to limit the powers of the parties and all the instructions within the Islamic state governed by the rule of Islam is subsets of duty.
It is worth noting that the "duties" refers to things that the "duty" and should be left to do it and it is not permitted to leave. As the word implies, means the authority, actions that are optional and can do, and certainly could not do it because it is the leader.

Therefore, to carry out and fulfill the tasks undertaken by the supreme leader should have powers commensurate with those duties. The duties and dignities of holy religious site given to him, so the authorities are determined by Islam, to run around and enjoy the full powers and perform their duties, are required to swear allegiance to the Muslim community with him and accept his rule.

**Supreme leader**

One of the important issues discussed is the root of the problem is the supreme leader, so the leader of the Muslim community should be options, there is no dispute but that the proportion of clerical know or bound by the absolute, the powers of VF is different.

In general authority "Imamate and leadership of the Muslim community" has two aspects:

1 - Aspects of Islamism, the Imam as the final proof of God, qualified jurists in the absence of age, presented as proof of God has said: "FanHM HOJATI Alaikum" (based on theory of installation).

2 - Contractual aspects and the Republic, the Islamic nation of people or their authority and powers transferred to him the political system (based on selection theory).

Some scholars and jurists believe that only the jurist good Guardianship and more than that VF is not in scope. And "good works" means work that holy legislator was not willing to leave, but the trustee to do certain things does not work. Maintain the property as guardian of orphans, and fail to capture the missing property, seizing on public endowments, etc., of this theory as "the Guardianship confine jurist" is mentioned.

In contrast, many of the great jurists including Sheikh Mofid , late Naraghi , the jewelry , Imam Khomeini (Jerusalem trip) believe all that the Prophet and the Holy Imams PBUH state affairs remained stable in the jurists of the eligible fixed i.e. can Faqih government to form and everything was a plenipotentiary power can do. Of this theory as "Supermen Leadership" is mentioned. Overview of this claim, on behalf of the public, and representatives of the jurists as successor to the Prophet and Imam introduced and the various expressions such as " heirs anbiya ", " Khlfayy ", " like anbiya ", " Trustee Alrsl " and other narratives it is mentioned, it is the state of affairs in all areas of the vicar of the Prophet and the Imams are.

**Provisions of primary, secondary and governance**

Titles (including verbs and essences) that belongs Decree takes two forms: the first form title is unconstrained ( constraints such as urgency, etc.) In this case, the decision to put it be "first sentence" is called.

In the second case, title to the provisions of such an emergency, duress, sin, loss, and corruption is bound in this case is a sentence that belongs to the "second sentence" is called. As a first example, eating carrion is forbidden, but if someone were to eat it, distress, hunger level, it is permissible to eat it. And fasting in Ramadan is obligatory as the first one, but if someone is sick or is it permissible to break the fast is detrimental to him.

**In more clear and distinct, we can say**

Preliminary injunction, which orders the Muslims in the normal condition, without any conditions it considers to be urgent in worship, political and other provisions.

Second sentence, sentences are limited and temporary provisions, subject to certain conditions and are on the subject, and such conditions are temporary, interim judgment. And secondly, are the provisions interpreted to be secondary. Like the fast-day sickness.

Judgment rule is the commands, decrees and laws enforcing religious rules and general orders from the legitimate leadership of the Muslim community in the area of social issues, given the right leadership and the community interest is issued. The decree appears in three forms: first, in judgment or decree the government has or former judge and executioner state amplifier, like Salman Rushdie judgment, or decree of government is established, such as youth employment in peacetime conscription.

But the government decrees and commands common alternative is called:

1 - Both provisions deal with issues and concepts.

2 - The provisions of both the limited range and are not permanent.
But the difference with the provisions of the second state ordinances includes:

1. The provisions of the second term, more personal realm is used mainly in the sphere of social and governmental decrees.

2. Secondary provisions are applicable only about hardship and distress, but the government decrees can go beyond this standard is based on materials and Futurism, though not too much hardship can be used.

3. Where the secondary commandments orders first issued proposed topic, the provisions state that, in the judgment of the Book and the Sunnah are silent.

4. The second sentence is usually closes because the first sentence (though temporary) is but a state decree in order to consolidate the consolidation and implementation of the first warrant to be issued.

**Supreme leader Constitution**

The Constitution of the Islamic Republic of Iran, the hundred I call on the powers and duties:

1. Determine the general policies of the Islamic Republic of Iran, after consultation with the Expediency Council.

2. Supervising the implementation of the general policies of the system.

3. Command referendum.


5. Declaration of war and peace, and the mobilization of forces.

6. Appointment, dismissal and resignation.

A - Guardian Council

B - The highest judiciary

C - President of the Islamic Republic of Iran Broadcasting (IRIB)

D - Joint Chiefs of Staff

E - Commander of Iranian Revolutionary Guards of the Islamic Revolution

And - the supreme commander of the military and police

7. Resolving disputes and regulating relations between the three branches.

8. Solve the system by focusing not solved, the Expediency Council.

9- After selecting the signing of a presidential decree, presidential candidates qualify for having a condition that comes from the law, must be approved by the Guardian Council prior to selection and approval by the Leadership in the first period.

10 - The deposed president, taking into account the interests of the country, after the Supreme Court ruled in violation of his constitutional duties, or a parliament vote on the eighty-ninth to his incompetence.

11 - Pardon or commutation of convicted Islamic principles proposed by the Head of the Judiciary. The leader can delegate some of his duties and power to another person does”.

Some people believe or perceive that the authority mentioned in the Constitution, the supreme authority of determined and no other authority than the Constitution. The leader cannot do other work outside of the eleventh paragraph, that is not the arrest of the leader. So that VF eligibility is limited but not within the framework of the constitution, but the divine law, the Constitution, all powers and duties specified.

Although the eighth paragraph of this article, "focusing system, resolved through the normal insoluble" It turns out that there are exceptions to these examples that their nodes t it only prudence tact of leadership of the system is opened.

**Imam Khomeini in this regard says**

“What is incomplete in this constitution in my point of view and clergy has more options in Islam, good men and the other for a short amount were not opposed to the intellectual, what is exists in constitution, it is some aspects of theocratic Guardianship not all of that and nobody is harmed”

**Supreme governing positions**

Enforcing laws, maintaining law guidance to the people, to establish laws (the Islamic law), punishment and discipline offenders, people's rights, tenure of office proceedings and judgment, filed obligations (obligations), perspiration, forbidding the evil, financing Islamic government invitation to Islam, the realm of public
interest, disclosure, public endowments area, province and protect children and property, La heir of my heir crushed.

CONCLUSIONS

The present study was conducted to evaluate the scope of the ruling powers. In this section the results are discussed.

Since form of government is a necessity in every society, and the need to manage not limited to a particular date range; no society cannot be good because no government can achieve happiness and perfection. Islam is not the only form of government, but it does not negate the approval and Muslims and the people of the world for the better good and healthy state model based on divine laws and rules provided.

Shia jurisprudence, a government limited time Prophet and the Imams are not infallible and that can restore dignity to themselves Muslims and Sharia law to implement and enforce the practical formation of a necessary state of affairs in the Muslim world, are considered.

Supreme basis of political theory, sovereignty and governance (legitimacy) should not inherit any person from source origin and the nature of his right to be passed. Thus, according to Islam, sovereignty, and to determine the nature and origin of God is sovereign and He is the only person who could man the right to be delegated. So first and foremost the right of the Prophet went to the Holy Imams (AS) have been based on Sharif Imam Mahdi sovereignty of the infallible Imams (AS) have been delegated to the supreme’s.

During the rule of law and to prevent the destruction of Shia Muslims, including the importance of science, virtue, justice, courage, wisdom, insight and acceptance are distinguished from people of Muslim rulers and if the attributes are not the sum of the supreme leader’s, He has no right to rule over Muslims.

The majority of Muslim scholars such as Imam Khomeini (RA ) that “clerical ” prophet same province (PBUH) and Imam infallibles is the governing authority of the jurist has only the powers that they have Bans are outside the scope of duties and jurist, and this is Supermen Leadership.

Run around and suspended (disciplinary rulings of Islam), a fatwa supporting large-scale public authority, judicial authority to resolve all disputes, officials from Cobra's leadership tasks that are qualified jurist in charge of the evening gossip.

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